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1 HUB LAW OFFICES  
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Telephone: (415) 258-0360  
4 Attorney for Defendant  
5 GERALD ARMSTRONG

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF MARIN

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MAR 19 1992

11 CHURCH OF SCIENTOLOGY )  
INTERNATIONAL, a California )  
12 not-for-profit religious )  
corporation; )  
13 )  
Plaintiffs, )  
14 )  
vs. )  
15 )  
GERALD ARMSTRONG; DOES 1 )  
16 through 25, inclusive, )  
17 )  
Defendants. )

No. 152 229 HUB LAW OFFICES  
REQUEST FOR EVIDENTIARY  
HEARING AND TAKING OF ORAL  
TESTIMONY IN EXTRAORDINARY CASE

Date: March 20, 1992  
Time: 9:00 a.m.  
Dept: Four (4) - Specially Set

19 TO: ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD.

20 PLEASE TAKE NOTICE that Defendant Gerald Armstrong hereby  
21 requests that Department Four, the Honorable Michael B. Dufficy  
22 presiding, conduct an evidentiary hearing for the purpose of  
23 taking oral testimony on the following issues:

24 ///  
25 ///  
26 ///  
27 ///  
28 ///

COPY

1           1.     The nature of the circumstances leading to the execution  
2 of the settlement agreement by Defendant Armstrong, including but  
3 not limited to representations made and advice given to him by his  
4 attorney Michael J. Flynn, as those representations and advice  
5 relate to the issues of fraud, mistake, duress, and as such  
6 matters relate to the issue of whether it is reasonable, fair, and  
7 just to issue a preliminary injunction to specifically enforce the  
8 provisions of the settlement agreement against Defendant  
9 Armstrong.

10           Defendant Armstrong would provide this testimony and it would  
11 take approximately one hour.

12           2.     Whether or not the Armstrong settlement agreement was at  
13 any time specifically approved by Judge Paul G. Breckenridge, the  
14 trial judge in Church of Scientology of California v. Gerald  
15 Armstrong, Los Angeles Superior Court, Case No. C 420 153, or by  
16 any other department of the Los Angeles Superior Court.

17           This is an issue because plaintiff's Memorandum In Support of  
18 Motion for Preliminary Injunction at p. 11:5-6 states that the  
19 settlement agreement had been "approved" by the Los Angeles  
20 Superior Court and Witness Michael Lee Hertzberg has conceded on  
21 the record on December 23, 1991, before Judge Bruce R. Geernaert  
22 in Los Angeles Superior Court that the settlement agreement had  
23 never been filed with that Court. This contradiction of stated  
24 positions by Scientology in the two different Courts, Los Angeles  
25 and Marin County, must be resolved in order that no fraud is  
26 perpetrated upon Marin County Superior Court.

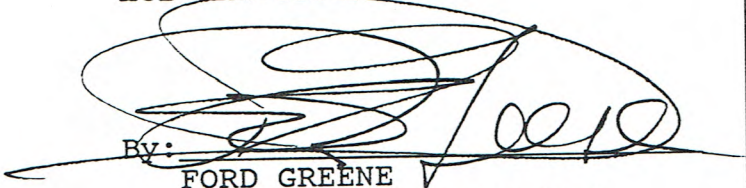
27           Witness Michael Lee Hertzberg will testify to this matter and  
28 said testimony should take five to fifteen minutes.

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DATED: March 19, 1992

Respectfully submitted:

HUB LAW OFFICES



By: FORD GREENE  
Attorney for Defendant  
GERALD ARMSTRONG

PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following documents: REQUEST FOR EVIDENTIARY HEARING AND TAKING OF ORAL TESTIMONY IN EXTRAORDINARY CASE on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California:

Andrew H. Wilson  
WILSON, RYAN & CAMPILONGO  
235 Montgomery Street, Suite 450  
San Francisco, California 94104

By Telecopier  
415-954-0938

Graham E. Berry, Esquire  
LEWIS, D'AMATO, BRISBOIS & BISGAARD  
221 North Figueroa Street. Suite 1200  
Los Angeles, California 90012

By Telecopier  
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LAURIE J. BARTILSON, ESQ.  
Bowles & Moxon  
6255 Sunset Boulevard, Suite 2000  
Los Angeles, California 90028

By Telecopier  
213-662-6419

[X] (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.

[X] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

DATED: March 19, 1992

